

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOHNNY DENHAM,

Plaintiffs,

v.

ALBERT LORD, et al.,

Defendants.

Case No. 2:09-cv-12740

HONORABLE STEPHEN J. MURPHY, III

ORDER AFFIRMING AND ADOPTING REPORT AND RECOMMENDATION (docket entry 14) AND DISMISSING WITHOUT PREJUDICE DEFENDANT PAUL D. BORJA

This is a civil action to undo a foreclosure, in which plaintiff *pro se*, Johnnie Denham, has named Albert Lord, Paul D. Borja, Bolhouse, Vander Hulst, Risko & Barr, P.C. and Warren C. Evans as defendants. The matter has been referred by the Court to Magistrate Judge R. Steven Whalen for all pretrial proceedings.

Before the Court is the Report and Recommendation of Magistrate Judge Whalen, filed on December 21, 2009. The magistrate judge's report and recommendation recommended that defendant Paul D. Borja be dismissed without prejudice for failure to serve the summons and complaint within the time prescribed by Fed. R. Civ. P. 4(m). The Magistrate Judge also notified the parties that any objections must be filed within fourteen days of service. No party has filed objections to the report and recommendations.

The Court's standard of review for a magistrate judge's report and recommendation depends upon whether a party files objections. If a party does not object to the report and recommendation, the Court does not need to conduct a review by any standard. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Because neither party filed timely objections to

Magistrate Judge Whalen's report and recommendation, see 28 U.S.C. § 636(B)(1)(c); Fed. R. Civ. P. 6(e), this Court need not and will not conduct a review.

ACCORDINGLY, IT IS HEREBY ORDERED that the Report and Recommendation [docket entry 14] is **ACCEPTED** and **ADOPTED** as the opinion of this Court.

IT IS FURTHER ORDERED that defendant Paul D. Borja is **DISMISSED WITHOUT PREJUDICE** for failure of the plaintiff to serve the summons and complaint upon Borja within the time prescribed by Fed. R. Civ. P. 4(m).

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: February 5, 2010

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 5, 2010, by electronic and/or ordinary mail.

Alissa Greer
Case Manager